

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **BRADLEY A. SCHWARTZ, M.D.**

4 Holder of License No. 26807
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-04-1271A

**INTERIM CONSENT AGREEMENT
FOR PRACTICE RESTRICTION**

7 **CONSENT AGREEMENT**

8 By mutual agreement and understanding, between the Executive Director
9 ("Executive Director") of the Arizona Medical Board ("Board") and Bradley A. Schwartz,
10 M.D. ("Respondent") the parties agree to the following disposition of this matter.

11 1. Respondent acknowledges that he has read and understands this Interim
12 Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order
13 ("Interim Consent Agreement"). Respondent acknowledges that he understands he has
14 the right to consult with legal counsel regarding this matter and has done so or chooses
15 not to do so.

16 2. Respondent understands that by entering into this Interim Consent
17 Agreement she voluntarily relinquishes any rights to a hearing or judicial review in state
18 or federal court, or to challenge this Interim Consent Agreement in its entirety as issued
19 by the Executive Director, and waives any other cause of action related thereto or
20 arising from said Interim Consent Agreement.

21 3. Respondent acknowledges and understands that this Interim Consent
22 Agreement is not effective until signed by the Executive Director.

23 4. All admissions made by Respondent are solely for final disposition of this
24 matter and any subsequent related administrative proceedings or civil litigation involving
25 the Board and Respondent. Therefore, said admissions by Respondent and this Interim

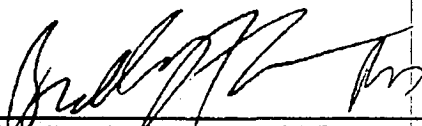


1 Consent Agreement are not intended or made for any other use, such as in the context
2 of another state or federal government regulatory agency proceeding, civil or criminal
3 court proceeding, in the State of Arizona or any other state or federal court.

4 5. Respondent acknowledges and agrees that upon signing this Interim
5 Consent Agreement, and returning this document (or a copy thereof) to the Executive
6 Director, Respondent may not revoke acceptance of the Interim Consent Agreement.
7 Respondent may not make any modifications to the Interim Consent Agreement. Any
8 modifications to this Interim Consent Agreement are ineffective and void unless
9 mutually approved by the parties.

10 6. Respondent further understands that this Interim Consent Agreement, once
11 approved and signed, is a public record that may be publicly disseminated as a formal
12 action of the Board and will be posted on the Arizona Medical Board web site.

13 7. If any part of the Interim Consent Agreement is later declared void or
14 otherwise unenforceable, the remainder of the Interim Consent Agreement in its entirety
15 shall remain in force and effect.

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17 _____
18 Bradley A. Schwartz, M.D.

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Dated: 12/25/04

1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for the regulation and control of
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of License No. 26807 for the practice of allopathic
5 medicine in the State of Arizona.

6 3. On Monday, October 18, 2004 the Board learned that Respondent had been
7 arrested in the evening of Friday, October 15, 2004 by the Pima County Sheriff's
8 Department and booked into the Pima County Jail on one count of first-degree murder.
9 Respondent was accused of participating in a murder-for-hire plot involving another
10 physician who was murdered on October 5, 2004.

11 4. The charges against Respondent represent an imminent danger to the
12 public health and safety if Respondent remains in practice.

13 5. Respondent has agreed not to practice medicine until such time as he
14 applies to the Executive Director and is permitted to return. The Board may ultimately
15 make the decision regarding Respondent's return to the practice of medicine.

16 **CONCLUSIONS OF LAW**

17 1. The Board possesses jurisdiction over the subject matter hereof and over
18 Respondent.

19 2. The Executive Director may enter into an interim consent agreement with a
20 physician if there is evidence that a restriction is needed to mitigate imminent danger to
21 the public health and safety. A.R.S. § 32-1405(C)(25); A.A.C. R4-16-404.

22 **ORDER**

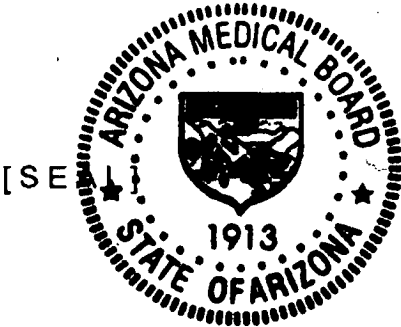
23 IT IS HEREBY ORDERED THAT:

24 1. Respondent's practice is restricted in that he shall not practice clinical
25 medicine or any medicine involving direct patient care, and is prohibited from prescribing

1 any form of treatment including prescription medications, until the resolution of the
2 underlying criminal matter.

3 2. This in an Interim Order and not a final decision regarding the pending
4 investigative file and as such is subject to modification and further consideration by the
5 Executive Director and/or the Board.

6 DATED this 1st day of NOVEMBER, 2004.



ARIZONA MEDICAL BOARD

10 By Barry A. Cassidy
11 Barry A. Cassidy, Ph.D., P.A.-C
12 Executive Director

13 ORIGINAL of the foregoing filed this
1st day of NOVEMBER, 2004, with:

14 Arizona Medical Board
15 9545 East Doubletree Ranch Road
16 Scottsdale, Arizona 85258

17 EXECUTED COPY of the foregoing mailed by
18 Certified Mail this 1st day of NOVEMBER, 2004,
19 to:

20 Kraig Marton
21 Jaburg & Wilk, P.C.
22 3200 North Central Avenue – Suite 2000
23 Phoenix, Arizona – 85012-2415

24 Bradley A. Schwartz, M.D.
25 (address of record)